

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

ALVIN GLASGOW,

Petitioner,

v.

Case No: 5:22-cv-65-TPB-PRL

WARDEN, FCC COLEMAN –
LOW,

Respondent.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Petitioner, a federal inmate incarcerated at the Coleman Federal Correctional Complex, initiated this civil action by filing a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1). In November 2015, a jury in the United States District Court, Eastern District of Virginia, found Petitioner guilty of ten counts related to the distribution of controlled substances and possession of firearms. *See United States v. Glasgow*, 675 F. App'x 237 (4th Cir. 2017). The Fourth Circuit Court of Appeals affirmed Petitioner's judgment in 2017. *Id.* He is currently in BOP custody, with a release date of June 2109. *See* Federal Bureau of Prisons, Inmate Search, available at www.bop.gov (last visited March 3, 2022).

In his § 2241 Petition, Petitioner challenges the legality of his

incarceration and argues he is actually innocent of the crimes for which he was convicted. *See generally* Doc. 1.

Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that “[i]f the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action.” *See also* Rule 12, Rules Governing Section 2255 proceedings. The Eleventh Circuit has held that 28 U.S.C. § 2241 is not available to challenge the validity of a sentence except on very narrow grounds. *McCarthan v. Director of Goodwill Industries-Suncoast, Inc.*, 851 F.3d 1076, 1079 (11th Cir. 2017); *Bernard v. FCC Coleman Warden*, 686 F. App’x 730 (11th Cir. 2017) (citing *McCarthan*, 851 F.3d at 1092-93). None of those grounds are present in this case, and thus Petitioner is not entitled to proceed under § 2241. As such, this case is due to be dismissed.

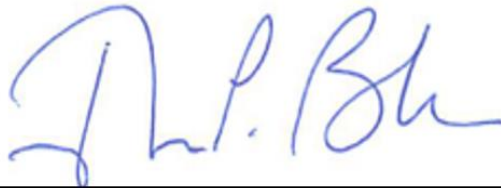
Further, a review of Petitioner’s pending cases shows he currently has a 28 U.S.C. § 2255 action pending in the Eastern District of Virginia. *See Glasgow v. United States*, No. 1:19-cv-82-LO (E.D. Va.). Petitioner should file his current claims with the Eastern District of Virginia in that pending case.

Accordingly, it is

ORDERED AND ADJUDGED:

1. This case is **DISMISSED without prejudice**.
2. The Clerk shall enter judgment accordingly, terminate any pending motions, and close this case.

DONE AND ORDERED at Tampa, Florida, this 3rd day of March, 2022.



TOM BARBER
UNITED STATES DISTRICT JUDGE

Jax-7

C: Alvin Glasgow, #85699-083